

Response under 37 C.F.R. §1.116

Attorney Docket No. **000921**

Serial No. **09/629,982**

**REMARKS**

Claims 1 - 8 are pending in the present application. By this Amendment, claims 1 - 4 have been canceled. No new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated December 29, 2004.

**As to the Merits:**

As to the merits of this case, the Examiner maintains the following rejection:

claims 1-8 stand rejected under 35 USC 103(a) as being unpatentable over Mitsuhashi et al. (of record) in view of Anderson (of record).

This rejection is respectfully traversed.

**Independent Claim 5:**

Independent claim 5 calls for a determiner for determining whether or not said instruction key is in the operative state at a specific timing at which a next recording process by said recorder is enabled; and a controller for permitting a displaying operation of said second display when a determination result of said determiner is affirmative, and prohibiting the displaying operation of said second display when the determination result of said determiner is negative.

Response under 37 C.F.R. §1.116

Attorney Docket No. 000921

Serial No. 09/629,982

With regard to these features, the Examiner asserts:

- (3) “a specific timing” is the time when the user pushes the shutter button. In this view, after a first capture/review of an image, a next capture/review of an image is determined and executed when the shutter button is pushed to the second level at that specific timing. The display unit is allowed to display the captured still image when the shutter button is pushed to the first level (note that both first and second levels are an operative state of shutter button) and stop displaying the captured still image when shutter button is not pushed, in which the display is returned to the live view mode or so called EE mode. See Mitsuhashi, col. 6, line 57 – col. 7, line 15).<sup>1</sup>

However, it is respectfully submitted that the Examiner has failed to appreciate that a determiner determines whether or not the instruction key is in the operative state at a specific timing at which a next recording process by the recorder is enabled.

For example, as shown in the flow chart of Fig. 5 of the present application, a determination at step S23 is made as to whether or not the shutter button is on only after the previous recording process is completed in step S21 or a next recording process by the recorder is enabled.

Clearly, neither Mitsuhashi nor Anderson disclose or remotely suggest anything concerning *a determiner for determining whether or not said instruction key is in the operative state at a specific timing at which a next recording process by said recorder is enabled; and a controller for permitting a displaying operation of said second displayer when a determination result of said determiner is affirmative, and prohibiting the displaying operation of said second displayer when the determination result of said determiner is negative*, as called for in claim 5.

---

<sup>1</sup> Please see, the bridging paragraph between pages 3 and 4 of the Action.

Response under 37 C.F.R. §1.116

Attorney Docket No. **000921**

Serial No. **09/629,982**

In view of the aforementioned amendments and accompanying remarks, Applicant submits that the claims, as herein amended, are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



Thomas E. Brown  
Attorney for Applicant  
Registration No. 44,450

TEB/jl  
1250 Connecticut Avenue, NW  
Suite 700  
Washington, D.C. 20036  
(202) 822-1100 (t)  
(202) 822-1111 (f)